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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,038	11/12/2001	Sunao Takatori	2222.6080000	1387

26111 7590 11/25/2008  
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EXAMINER
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HALIYUR, VENKATESH N

ART UNIT	PAPER NUMBER
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2419

MAIL DATE	DELIVERY MODE
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11/25/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/054,038	<b>Applicant(s)</b> TAKATORI ET AL.	
	<b>Examiner</b> VENKATESH HALIYUR	<b>Art Unit</b> 2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08/04/2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 (2-3, 17 are canceled) is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4-16, 18-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed on 08/04/2008 has been considered but is ineffective to overcome Yanagidate and Alfano et al references. Rejection follows.
2. Claims 1-19 are pending in the application. Claim 2 is canceled. Claims 11-19 are new.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 12-16,18-19 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The limitations in claims 12-15, for "A computer program product comprising a computer useable medium having computer executable instructions

recorded there on comprising: ....." fails to comply with the enablement requirement because the original specification fails to disclose or support the limitations "a computer program product" or "computer executable instructions recorded" or "computer useable medium". At most, in page 5 of the specification the references to "storing a control program" can be found but there is no mentioning of "A computer program product" as claimed in claims 12-15 can be found in the specification. Therefore claim(s) 12-15 contain subject matter which was not described in the original specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The limitations in claims 16, 18-19 for "A computer program product comprising a tangible computer useable medium having computer program instructions recorded thereon for enabling ....." fails to comply with the enablement requirement because the original specification fails to disclose or support the limitations "a computer program product" or "computer program instructions recorded" or "tangible computer useable medium". At most, in page 5 of the specification the references to "storing a control program" can be found but no mentioning of limitations as claimed in claims 16, 18-19 can be found in the specification. Therefore claim(s) 16, 18-19 contain subject matter which was not described in the original specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Therefore these claims must be canceled or appropriate corrections are required to claims 12-16, 18-19.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. In claims 12, 16 the phrase(s) "tangible computer useable medium (or computer useable medium) having computer program (or instructions) recorded thereon...." is vague and indefinite because it is unclear how a computer useable medium can store computer program or instructions and therefore is indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Since claims 13-15, 18-19 depend on claims 12 and 16 respectively and contain the same deficiency.
- b. Claims 13-15 recites the limitation for "a computer readable medium ....." in these claims. However, there is insufficient antecedent basis for this limitation in these claims as a "computer readable medium" is not recited in claim 12.

- c. Claim 18 recite the limitation for “a computer program product of claim 16, wherein the computer program logic further comprises.....” However, there is insufficient antecedent basis for this limitation in these claims as the “computer program logic” is not recited in claim 16.

Appropriate corrections are required to claims 12-16, 18-19.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 5, 7-10, 12-16, 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alfano et al [US Pat: 6,094,423] in view of Yanagidate et al [US Pub: 2002/0099632].

Regarding claims 1, 4, Alfano et al in the invention of “Wireless Protocol Method and Apparatus Supporting Transaction Requests With Variable Length Responses” disclosed a device (**Fig 6**) comprising:

a transmitter (**XMTR, item 51 of Fig 6**) configured to transmit a query to a destination communication device corresponding to packet units that are recognizable by the destination communication device (**server, col 5, lines 45-55**).

a receiver (**RCVR, item 54 of Fig 6**) to receive information from the destination communication device (**server**) corresponding to packet units that are recognizable by the destination communication device in response to the query (**col 5, lines 56-67, col 3, lines 25-27**).

a determining device (**processor, item 58 of Fig 6**) configured to select a most appropriate packet unit (**MTU, Maximum transfer unit size**) for transmission data to be packetized that minimizes the amount of transmission data (**col 6, lines 1-16**), the most appropriate packet unit being selected according to the received information corresponding to the packet units that are recognizable by the destination communication device (**server response indicates the packet size, col 6, lines 17-23**) ; and a packet generator (**processor**) configured to packetize the transmission data based on a packet unit determined by said determining device (**processor segments packets if packet size exceeds MTU, col 6, lines 26-30**) and a storage device (**RAM, item 66 of Fig 6**) configured to store information with respect to the packet units that are recognizable by the destination device (**col 5, lines 26-29**). Alfano et al disclosed a method for the mobile device (Fig 6) to transmit and receive packets from destination device (item 114, of Fig 7), but fails to positively disclose that the packet units are recognizable by the destination device when transmitted from the device and packet units are recognizable by the device when received from the destination device.

However, Yanagidate disclosed a method to identify the packets at the destination device (server) which are transmitted by the subscriber device based on the subscriber identification and predetermined communication speed information in para 0044-0047, 0062-0064. Therefore it would have been obvious for one of the ordinary skill in the art at the time the invention was made to use the method of transmitting the packet units to the destination device from the subscriber device that are recognizable by the destination device as taught by Yanagidate in the system of Alfano et al to transmit a query to a destination communication device corresponding to packet units that are recognizable by the destination communication device. One is motivated in order to meet the service level agreement by recognizing the packet units transmitted by the subscriber unit based on the service class assigned to the subscriber unit.

Regarding claims 5, 19, Alfano et al disclosed that if a retransmission request occurs while packets are being transmitted, the determining device is configured to determine a smaller appropriate packet unit than the previously determined appropriate packet unit transmitting data subsequent to the retransmission request according a smaller packet **(increase or decrease the packet size based on the server request in subsequent transmissions, col 6, lines 10-23)**.

Regarding claims 7, Alfano et al disclosed a method for determining packet units for transmission data to be packetized and transmitted from a communication terminal device **(communication device, item 50, Fig 6)** to a destination communication device **(server)**, the method comprising:



transmitting **(XMTR, item 51 of Fig 6)** a query to the destination communication device corresponding to packet units that are recognizable by the destination communication device **(server, col 5, lines 45-55)**.

receiving information **(RCVR, item 54 of Fig 6)** from the destination communication device **(server)** corresponding to packet units that are recognizable by the destination communication device in response to the query **(col 5, lines 56-67, col 3, lines 25-27)**.

selecting a packet unit to minimize the amount of transmission data according to the received information corresponding to the packet units that are recognizable by the destination device **(server response indicates the packet size, col 6, lines 17-23)** and packetizing said transmission data according to the packet unit selected **(processor segments packets if packet size exceeds MTU, col 6, lines 26-30)**.

Alfano et al disclosed a method for the mobile device (Fig 6) to transmit and receive packets from destination device (item 114, of Fig 7), but fails to positively disclose that the packet units are recognizable by the destination device when transmitted from the device and packet units are recognizable by the device when received from the destination device. However, Yanagidate disclosed a method to identify the packets at the destination device (server) which are transmitted by the subscriber device based on the subscriber identification and predetermined communication speed information in para 0044-0047, 0062-0064. Therefore it would have been obvious for one of the ordinary skill in the art at the time the invention was made to use the method of transmitting the packet units to the destination device from

the subscriber device that are recognizable by the destination device as taught by Yanagidate in the system of Alfano et al to transmit a query to a destination communication device corresponding to packet units that are recognizable by the destination communication device. One is motivated in order to meet the service level agreement by recognizing the packet units transmitted by the subscriber unit based on the service class assigned to the subscriber unit.

Regarding claim 8, 13 Alfano et al disclosed transmitting said packetized transmission data from said communication terminal device to said destination communication device **(col 5, lines 45-51)**.

Regarding claim 9, 15, Alfano et al disclosed determining whether the information regarding packet units recognizable by said destination communication device is stored in a memory of said communication terminal device **(RAM, item 66 of Fig 6, col 6, lines 5-23, col 5, lines 26-29)**. Alfano et al disclosed a method for the mobile device (Fig 6) to transmit and receive packets from destination device (item 114, of Fig 7), but fails to positively disclose that the packet units are recognizable by the destination device when transmitted from the device and packet units are recognizable by the device when received from the destination device. However, Yanagidate disclosed a method to identify the packets at the destination device (server) which are transmitted by the subscriber device based on the subscriber identification and predetermined communication speed information in para 0044-0047, 0062-0064. Therefore it would have been obvious for one of the ordinary skill in the art at the time the invention was made to use the method of transmitting the packet units to the destination device from

Art Unit: 2419

the subscriber device that are recognizable by the destination device as taught by Yanagidate in the system of Alfano et al to transmit a query to a destination communication device corresponding to packet units that are recognizable by the destination communication device. One is motivated in order to meet the service level agreement by recognizing the packet units transmitted by the subscriber unit based on the service class assigned to the subscriber unit.

Regarding claim 10, 14, Alfano et al disclosed generating a retransmission request after said transmitting step requesting a different packet unit size (**col 6, lines 5-7, Fig 7**); repacketizing said transmission data into a different packet unit size according to said retransmission request; and transmitting said repacketized transmission data to said destination communication device (**col 6, lines 7-16, item 112 of Fig 7**).

Regarding claims 12, Alfano et al disclosed a computer program product comprising a computer useable medium having computer executable instructions recorded thereon, comprising (**communication device, item 50, Fig 6**):

instructions for transmitting (**XMTR, item 51 of Fig 6**) a query to the destination communication device corresponding to packet units that are recognizable by the destination communication device (**server, col 5, lines 45-55**).

instructions for receiving information (**RCVR, item 54 of Fig 6**) from the destination communication device (**server**) corresponding to packet units that are recognizable by the destination communication device in response to the query (**col 5, lines 56-67, col 3, lines 25-27**).

Instructions for selecting a packet unit to minimize the amount of transmission data according to the received information corresponding to the packet units that are recognizable by the destination device (**server response indicates the packet size, col 6, lines 17-23**) and instructions for packetizing said transmission data according to the packet unit selected (**processor segments packets if packet size exceeds MTU, col 6, lines 26-30**). Alfano et al disclosed a method for the mobile device (Fig 6) to transmit and receive packets from destination device (item 114, of Fig 7), but fails to positively disclose that the packet units are recognizable by the destination device when transmitted from the device and packet units are recognizable by the device when received from the destination device. However, Yanagidate disclosed a method to identify the packets at the destination device (server) which are transmitted by the subscriber device based on the subscriber identification and predetermined communication speed information in para 0044-0047, 0062-0064. Therefore it would have been obvious for one of the ordinary skill in the art at the time the invention was made to use the method of transmitting the packet units to the destination device from the subscriber device that are recognizable by the destination device as taught by Yanagidate in the system of Alfano et al to transmit a query to a destination communication device corresponding to packet units that are recognizable by the destination communication device. One is motivated in order to meet the service level agreement by recognizing the packet units transmitted by the subscriber unit based on the service class assigned to the subscriber unit.

Regarding claim 16, Alfano et al disclosed a computer program product comprising a tangible computer useable medium having computer program instructions recorded thereon for enabling a processor to determine packet units for transmission data to be packetized and transmitted from a communication terminal device **(communication device, item 50, Fig 6)** to a destination communication device **(server)**, the computer program logic **(Figs 6/7)** comprising:

transmitting means for enabling the processor to transmit **(XMTR, item 51 of Fig 6)** a query to the destination communication device corresponding to packet units that are recognizable by the destination communication device **(server, col 5, lines 45-55)**.

receiving means for enabling the processor to receive **(RCVR, item 54 of Fig 6)** from the destination communication device **(server)** corresponding to packet units that are recognizable by the destination communication device in response to the query **(col 5, lines 56-67, col 3, lines 25-27)**.

selecting means for enabling the processor to select a packet unit to minimize the amount of transmission data according to the received information corresponding to the packet units that are recognizable by the destination device **(server response indicates the packet size, col 6, lines 17-23)** and packetizing means for enabling the processor to pocketsize the transmission data according to the packet unit selected **(processor segments packets if packet size exceeds MTU, col 6, lines 26-30)**.

Alfano et al disclosed a method for the mobile device (Fig 6) to transmit and receive packets from destination device (item 114, of Fig 7), but fails to positively disclose that the packet units are recognizable by the destination device when transmitted from the

Art Unit: 2419

device and packet units are recognizable by the device when received from the destination device. However, Yanagidate disclosed a method to identify the packets at the destination device (server) which are transmitted by the subscriber device based on the subscriber identification and predetermined communication speed information in para 0044-0047, 0062-0064. Therefore it would have been obvious for one of the ordinary skill in the art at the time the invention was made to use the method of transmitting the packet units to the destination device from the subscriber device that are recognizable by the destination device as taught by Yanagidate in the system of Alfano et al to transmit a query to a destination communication device corresponding to packet units that are recognizable by the destination communication device. One is motivated in order to meet the service level agreement by recognizing the packet units transmitted by the subscriber unit based on the service class assigned to the subscriber unit.

Regarding claim 18, Alfano et al disclosed storing means for enabling the processor to store information with respect to the packet units that are recognizable by the destination communication device **(RAM, item 66 of Fig 6, col 6, lines 5-23, col 5, lines 26-29)**.

7. Claims 6, 11 are rejected under 35 U.S.C.103(a) as being unpatentable over Yanagidate et al [US Pub: 2002/0099632] in view of Alfano et al [US Pat: 6,094,423].

Regarding claims 6, Yanagidate et al disclosed a billing file **(billing data)** generating device **(item 30 of Fig 1, para 0040, Fig 2)** configured to generate a billing

Art Unit: 2419

file (**HTML document, para 0056, Fig 5**) comprising information for billing which includes the type (**service class ID, Fig 8**) of a transmitted packet unit (packet), the number of transmitted packets (**packet flowing ratio, para 0079**), and a packet communication rate (**maximum and minimum speed of communication, para 0061-0063**) with respect to an identification (ID) to be billed (**subscriber ID, para 0039-0041**); and a charging file generating device (**bill-charging device, item 30 of Fig 1**) configured to generate a charging file for the ID to be billed for a predetermined period (**connection start to finish time, para 0055-0057, Fig 5**). Yanagidate et al disclosed the transmitted packets flowing ratio, but fails to positively disclose transmitted packet unit and the number of transmitted packets. However, Alfano et al disclosed a packet unit (**MTU**) and a sequence count for number of packets transmitted from the mobile device (**col 3, lines 43-49**). Therefore it would have been obvious for one of the ordinary skill in the art at the time the invention was made to use the method of tracking transmitted packet unit and the number of transmitted packets information as taught by of Alfano et al in the system of Yanagidate to generate a billing file comprising formation which includes transmitted packet unit (packet), the number of transmitted packets, and a packet communication rate for the subscriber. One is motivated in order to provide accurate billing information to the subscriber that conforms to the service class assigned to the subscriber unit.

Regarding claim 11, Yanagidate et al disclosed wherein the charging file is transmitted to a communications terminal device of the ID to be billed through an e-mail message. Yanagidate disclosed that the server (**item 31 of Fig 1**) sends the charging

Art Unit: 2419

file (**HTML document, para 0057-0058**) to the subscriber terminal over the internet, Alfano et al disclosed server to mobile terminal communication in col 6, lines 43-54, but both Yanagidate and Alfano fails to positively disclose that charging file is transmitted to a communications terminal device through an e-mail message. However it is obvious for one of the ordinary skill that the server (**item 31 of Fig 1**) to function as an email server to send the charging file document to the subscriber terminal via an email message, which is also well known in the art. Therefore it would have been obvious for one of the ordinary skill in the art at the time the invention was made to use the server (**item 31 of Fig 1**) as an email server to transmit billing information to the subscriber terminal over the internet via an email message in the system of Yanagidate as modified by Alfano to transmit the billing information to the subscriber terminal device via an e-mail message. One is motivated in order to send billing information to the subscriber via an email message for easy access to billing information.

### ***Response to Arguments***

8. Applicant's arguments filed on 08/04/2008 have been fully considered but they are not persuasive.

a. With respect to applicant's argument for rejection of claims 1-19 under 35 USC 101;



In Claims 12,16 the use of phrase(s) such as “computer useable medium” and “tangible computer useable medium” and “having computer instructions recorded thereon for enabling a processor .....” fails to comply with the 101 interim guidelines (please refer to pages 52-53 of the 101 interim guidelines) because it is well established that a computer program product or a software product, per se is not a physical “thing” and does not define any structural and functional interrelationship between the computer program code and the rest of the computer, which permits the computer program's functionality to be realized.

In order for a computer program or software instructions to be statutory it must be embodied (encoded) in a computer-readable medium capable of being executed by a computer for the computer program's functionality to be realized. Therefore claims 12 and 16 are claiming nothing but a software program and is non-statutory.

b. With respect to applicant's argument for rejection of claims 1-19 under 35 USC 112 1<sup>st</sup> paragraph;

In claims 12-19, the support for “A computer program product” and “computer useable medium” is insufficient because in Fig 2, page 5 of the specification the disclosure is for “storing a control program” and not for “A computer program product” as claimed in claims 12-19. Therefore claim(s) 12-19 contain subject matter which was not described in the original specification in

such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

c. With response to applicant's argument that Alfano fails to teach or suggest the limitation of transmitting a query to a destination communication device corresponding to packet units that are recognizable by the destination communication device" and the limitation of receiving "information from the destination communication device corresponding to packet units that are recognizable by the destination communication device in response to the query" as in claims 1, 7, 12, and 16, However the examiner respectfully disagrees and points applicant's to col 3, lines 6-29, where Alfano disclosed that the mobile device (device) communication with the destination device (server) by transmitting the packets (PDU/MTU) to the destination device in response to queries using transaction protocol with request, response and acknowledge messages. However, Alfano fails to positively disclose that the packet units including the device ID and the packet size are recognizable by the destination device when transmitted from the device and therefore Yanagidate reference which disclosed in para 0044-0047, 0062-0064 a method to identify the packets at the destination device (server) which are transmitted by the subscriber device based on the subscriber identification and predetermined communication speed information has been used in this office action in order to overcome the deficiency of Alfano.

d. With respect to applicant's argument that Yanagidate does not teach or suggest limitations of claims 6,11 for "a billing file generating device configured to generate a billing file comprising information for billing which includes the type of a transmitted packet unit, the number of transmitted packets, and a packet communication rate, with respect to an identification (ID) to be billed", However the examiner respectfully disagrees and points applicant's to reference where Yanagidate et al disclosed a billing file (billing data/HTML document) generating device (item 30 of Fig 1, para 0040, Fig 2) to generate a billing file (para 0056, Fig 5) containing information for a communication connection start to finish time (predetermined period, para 0055-0057, Fig 5) which includes the type (service class ID, Fig 8) of a transmitted packet unit (packet), a packet communication rate (maximum and minimum speed of communication, para 0061-0063) to be billed. However, Yanagidate fails to positively disclose transmitted packet unit and the number of transmitted packets, but Alfano reference disclosed a packet unit (MTU) and a sequence count for number of packets transmitted from the mobile device (col 3, lines 43-49) has been used in this office action in order to overcome the deficiency of Yanagidate.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications should be directed to the attention to Venkatesh Haliyur whose phone number is 571-272-8616. The examiner can normally be reached on Monday-Friday from 9:00AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached @ (571)-272-7884. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (571)-272-2600 or fax to 571-273-8300.

Art Unit: 2419

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

/Venkatesh Haliyur/

Examiner, Art Unit 2419

/Edan Orgad/

Supervisory Patent Examiner, Art Unit 2419